



City of Seattle

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Gregory J. Nickels, Mayor  
**Department of Planning and Development**  
D. M. Sugimura, Director

**CITY OF SEATTLE  
ANALYSIS AND DECISION OF THE DIRECTOR OF  
THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

**Application Number:** 2306997  
**Applicant Name:** Brittani Ard for Noland, LLC  
**Address of Proposal:** 5514 28<sup>th</sup> Avenue Northwest

**SUMMARY OF PROPOSED ACTION**

Master Use Permit to subdivide one parcel into four unit lots (unit lot subdivision). This subdivision of property is only for the purpose of allowing sale or lease of the unit lots. Development standards will be applied to the original parcel and not to each of the new unit lots. The construction of townhouses has been approved under Project #2306332/740559.

The following approval is required:

**Short Subdivision** - To subdivide one existing parcel into four unit lots.  
(Chapter 23.24, Seattle Municipal Code).

**SEPA DETERMINATION:** ☒ Exempt ☐ DNS ☐ MDNS ☐ EIS

☐ DNS with conditions

☐ DNS involving non-exempt grading or demolition, or  
involving another agency with jurisdiction.

**BACKGROUND DATA**

Site & Area Description

This 6,495 square foot subject site (the “parent lot”) is a corner lot that fronts on the south side of Northwest 56<sup>th</sup> Street and the east side of 28<sup>th</sup> Avenue Northwest. Both Northwest 56<sup>th</sup> Street and 28<sup>th</sup> Avenue Northwest are designated as non-arterial right-of-ways. Northwest 56<sup>th</sup> Street is

improved with curbs, gutters and sidewalks on both sides of the street. 28<sup>th</sup> Avenue Northwest is an unimproved street with a paved roadway; with no curbs, gutters nor sidewalks. A paved 12' alley abuts the southernmost property line. A total of four townhouse units (two units in each of two structures) has been reviewed and approved under a related construction permit (Master Use Permit #2306332/740559). The townhouses are currently under construction. The site is not located in any mapped or observed environmentally critical areas.

### Proposal Description

The applicant proposes to subdivide one 6,495 square foot parcel (the "parent lot") into four unit lots with the following lot areas: Parcel A) 1,587 square feet, Parcel B) 1,574 square feet, Parcel C) 1,533 square feet; and, Parcel D) 1,527 square feet in an L-1 zone. Vehicular access to all four units would be provided via an ingress, egress, and utility easement via an existing 12' wide paved alley.

An underlying Master Use Permit for the demolition of an existing single family residence and the construction of four townhouse units has been reviewed and approved (Master Use Permit #2306332/740559). The subject of this analysis and decision is limited to the subdivision of land.

### Public Comments

The comment period for this proposal ended on November 12, 2003. During the public comment period, DPD received no written comments related to this project.

### **ANALYSIS - SHORT SUBDIVISION**

Pursuant to SMC 23.24.040, no short subdivision shall be approved unless all of the following facts and conditions are found to exist. The following findings are based upon information provided by the applicant; review of access, drainage and zoning within the Department of Planning and Development (DPD); review from Seattle Public Utilities, Seattle Fire Department, and Seattle City Light; and review by the Land Use Planner.

*1. Conformance to the applicable Land Use Code provisions;*

The underlying construction permit for four (4) townhouse units in two structures has been reviewed and approved (Master Use Permit #2306332/740559). This related application was reviewed to ensure that it met all applicable provisions of the Land Use Code including density, lot coverage, setbacks, open space, parking, and access.

The proposed unit lot subdivision would allow separate ownership of the land associated with each of the four townhouse units. This purpose is consistent with the provisions of SMC 23.24.045, Unit lot subdivisions.

*2. Adequacy of access for vehicles, utilities, and fire protection as provided in Section 23.53.005;*

The four proposed unit lots would have access to Northwest 56<sup>th</sup> Street; and access to 28<sup>th</sup> Avenue Northwest via a proposed ingress, egress, and utilities easement along the east property line that's accessed via an existing improved 12' wide alley. The Seattle Fire Department has reviewed and approved the proposed unit lot subdivision for adequate emergency vehicle access.

All private utilities are available in this area. Seattle City Light would provide electrical service to the proposed short plat. City Light reviewed the proposal and has requested an easement to provide electrical facilities and service to the proposed lots. The requested easement (P.M. #250311-2-024) should be added to the face of the short plat prior to recording.

Therefore, this short plat provides for adequate access for vehicles, utilities, and fire protection.

3. *Adequacy of drainage, water supply, and sanitary sewage disposal;*

This area is served with domestic water, sanitary sewer, and storm drain facilities by the City of Seattle. Availability of utility service is assured subject to standard conditions of utility extension.

The short plat application has been reviewed by Seattle Public Utilities and a Water Availability Certificate was issued on October 22, 2003 (WAC ID No. 2003-1158). All conditions on the certificate must be met prior to receiving water service.

12-inch and 44-inch public sanitary sewers in Northwest 56<sup>th</sup> Street and 28<sup>th</sup> Avenue Northwest are available for sanitary discharge from new construction on this Unit Lot Subdivision proposal. There are sufficient easements including in the Unit Lot Subdivision proposal for this purpose.

In addition, a 48-inch public storm drain in 28<sup>th</sup> Avenue Northwest is available for stormwater discharge from new construction. Plan review requirements were made at the time of construction permit review in accordance with any applicable stormwater ordinances in effect at that time

4. *Whether the public use and interests are served by permitting the proposed division of land;*

The proposed development would have adequate access for vehicles, utilities, and fire protection and has adequate drainage, water supply, and sanitary sewage disposal. An easement or covenant should be recorded with the final plat to ensure that addresses for Unit Lots C and D are visible from Northwest 56<sup>th</sup> Street. The easement or covenant should ensure that address signage is both permitted and maintained.

Therefore, the public use and interests are served by permitting the proposed subdivision of land while also maintaining the character of the neighborhood. The proposal will meet all applicable criteria for approval of a short plat upon completion of the conditions in this analysis and decision.

5. *Conformance to the applicable provisions of SMC Section 25.09.240, Short subdivisions and subdivisions, in environmentally critical areas;*

The subject site is not located within a mapped or observed environmentally critical area (ECA) as set forth in SMC 25.09.020.

6. *Is designed to maximize the retention of existing trees;*

Landscape and open space requirements were reviewed under the related construction permit (Master Use Permit #2306332/740559).

7. *Conformance to the provisions of Section 23.24.045, Unit lot subdivisions, when the short subdivision is for the purpose of creating separate lots of record for the construction and/or transfer of title of townhouses, cottage housing, clustered housing, or single-family housing.*

The provisions of SMC Section 23.24.045 are as follows:

- A. *The provisions of this section apply exclusively to the unit subdivision of land for townhouses, cottage housing developments, residential cluster developments, and single-family residences in zones where such uses are permitted.*

The subject proposal would establish separate lots for four townhouses in a Lowrise 1 zone, thus falling within the provisions of SMC 23.24.045.

- B. *Sites developed or proposed to be developed with dwelling units listed in subsection A above, may be subdivided into individual unit lots. The development as a whole shall meet development standards applicable at the time the permit application is vested. As a result of the subdivision, development on individual unit lots may be nonconforming as to some or all of the development standards based on analysis of the individual unit lot, except that any private, usable open space for each dwelling unit shall be provided on the same lot as the dwelling unit it serves.*

A related construction permit for townhouse development was reviewed and approved under a related construction permit (Master Use Permit #2306332/740559). That related development proposal must continue to meet applicable development standards as a whole. Usable private open space for each dwelling unit is shown on both the related construction application and the survey site plan.

- C. *Subsequent platting actions, additions or modifications to the structure(s) may not create or increase any nonconformity of the parent lot.*

In order to assure proper control of future platting actions, additions or modifications to structure(s) on the subject site, a condition should be placed on the face of the plat as outlined under Criterion 'F' below.

- D. *Access easements and joint use and maintenance agreements shall be executed for use of common garage or parking areas, common open space (such as common courtyard space for cottage housing), and other similar features, as*

*recorded with the Director of the King County Department of Records and Elections.*

A joint use and maintenance agreement for the proposed ingress, egress, and utility easement has been included on the short plat documents and should also be included on the final documents for recording.

- E. *Within the parent lot, required parking for a dwelling unit may be provided on a different unit lot than the lot with the dwelling unit, as long as the right to use that parking is formalized by an easement on the plat, as recorded with the Director of King County Development of Records and Elections.*

Parking would be provided on each unit lot with access to parking spaces via a shared ingress, egress, and utility easement.

- F. *The facts that the unit lot is not a separate buildable lot, and that additional development of the individual unit lots may be limited as a result of the application of development standards to the parent lot shall be noted on the plat, as recorded with the Director of the King County Department of Records and Elections.*

Review of this application shows that the proposed short subdivision would conform to applicable standards of SMC 23.24.045 and to applicable standards for unit lot subdivisions for townhouses in an L-1 zone. To assure that future owners have constructive notice that additional development may be limited; the applicant should add a note to the face of the plat that reads as follows: *"The lots created by this unit subdivision are not separate buildable lots. Additional development on these unit lots in this unit subdivision may be limited as a result of the application of development standards to their parent lot pursuant to applicable provisions of the Seattle Land Use Code."*

### **SUMMARY - SHORT SUBDIVISION**

The proposed unit lot subdivision would meet all applicable requirements of SMC Chapter 23.24, Short Plats. The underlying development, when considered as a whole, meets all applicable standards set forth in the Land Use Code. The proposed unit subdivision would be provided with adequate pedestrian and vehicular access and with public and private utilities. Adequate provisions for water supply and sanitary sewage disposal have been proposed for each lot, and service is assured, subject to standard conditions governing utility extensions. Adequate provisions for drainage control have also been provided.

### **DECISION - SHORT SUBDIVISION**

The proposed Short Subdivision is **CONDITIONALLY GRANTED**.

### **CONDITIONS - SHORT SUBDIVISION**

Conditions of Approval Prior to Recording

The owner(s) and/or responsible party(s) shall:

1. Have final recording documents prepared by or under the supervision of a Washington State licensed land surveyor. Each lot, parcel, or tract created by the short subdivision shall be surveyed in accordance with appropriate State statutes. The property corners set shall be identified on the plat and encroachments such as side yard easements, fences or structures shall be shown. Lot areas shall be shown on the plat. All existing structures, principal and accessory, shall be shown on the face of the plat, and their distances to the proposed property lines dimensioned.
2. Submit the final recording forms for approval and any necessary fees.
3. Add the conditions of approval to the face of the plat.
4. Include an easement to provide for electrical facilities and service to the proposed lots as required by Seattle City Light (as described in Exhibit "A," P.M. #250311-2-024) on the final short subdivision.
5. Include an easement to provide for water service as required by Seattle Public Utilities for the Water Availability Certificate dated October 22, 2003 (WAC ID No. 2003-1158).
6. Add the following note to the face of the plat: *"The lots created by this unit subdivision are not separate buildable lots. Additional development on these unit lots in this unit subdivision may be limited as a result of the application of development standards to their parent lot pursuant to applicable provisions of the Seattle Land Use Code."*
7. Record an easement or covenant with the final plat to ensure that address signage visible from 28<sup>th</sup> Avenue Northwest is permitted and maintained for Unit Lots C and D.
8. Provide a joint maintenance and responsibility agreement for maintenance and use of shared walls on property lines and all ingress, egress, and utility easements.

Signature: (signature on file) Date: March 1, 2004  
Tamara Garrett, Land Use Planner  
Department of Planning and Development  
Land Use Services

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